

SEATTLE
SUPERIOR COURT OF WASHINGTON FOR KING COUNTY
CRIMINAL JUSTICE CENTER

THE STATE OF WASHINGTON,

Plaintiff,

v.

HELGA KAHR,

Defendant.

No. 18-1-00672-1 SEA

PRESENTENCE STATEMENT OF
KING COUNTY PROSECUTING ATTORNEY

CCN: 1961984

DOB: 02/14/1950

SEX: Female

CNT **Charge**

Crime Date

1 Theft In The First Degree
Conviction Date: 10/10/2019

09/03/2016
Verdict: Guilty by Jury

2 Theft In The Second Degree
Conviction Date: 10/10/2019

09/07/2016
Verdict: Guilty by Jury

SENTENCING DATE: December 6, 2019

SENTENCING JUDGE: The Honorable Kristin V. Richardson

DEFENSE ATTORNEY: Miranda Lauren Maurmann

ATTACHMENTS: THE FOLLOWING ATTACHMENTS ARE INCORPORATED BY REFERENCE INTO THIS PROSECUTOR'S STATEMENT:

INFORMATION
CERTIFICATION FOR DETERMINATION OF PROBABLE CAUSE
PROSECUTING ATTORNEY SUMMARY AND REQUEST FOR BAIL
PLEA AGREEMENT
SENTENCING REFORM ACT SCORE SHEET
APPENDIX B
STATE'S SENTENCE RECOMMENDATION

DANIEL T. SATTERBERG
Prosecuting Attorney

BY:

Deputy Prosecuting Attorney

CRIMINAL DIVISION

FILED
KING COUNTY, WASHINGTON

AUG 09 2019

SUPERIOR COURT CLERK
BY ALICIA OCHSNER
DEPUTY

SUPERIOR COURT OF WASHINGTON FOR KING COUNTY

THE STATE OF WASHINGTON,)
)
 Plaintiff,)
)
 v.) No. 18-1-00672-1 SEA
)
 HELGA KAHR,)
)
 Defendant.) FIRST AMENDED INFORMATION
)
)
)

I, Daniel T. Satterberg, Prosecuting Attorney for King County in the name and by the authority of the State of Washington, do accuse HELGA KAHR of the following crime[s], which are of the same or similar character, and which are based on the same conduct or a series of acts connected together or constituting parts of a common scheme or plan: **Theft In The First Degree, Theft In The Second Degree**, committed as follows:

Count 1 Theft In The First Degree

That the defendant Helga Kahr in King County, Washington, on or about September 3, 2016, with intent to deprive another of property, to-wit: lawful U.S. currency, did wrongfully obtain such property belonging to Jeffrey A. Barrett; and did exert unauthorized control over such property belonging to Jeffrey A. Barrett; and the value of such property did exceed \$5,000;

Contrary to RCW 9A.56.030(1)(a) and 9A.56.020(1), and against the peace and dignity of the State of Washington.

And further do allege the defendant, Helga Kahr, knew or should have known that the victim of the current offense was particularly vulnerable or incapable of resistance, and the victim's vulnerability was a substantial factor in the commission of the offense, under the authority of RCW 9.94A.535(3)(b).

And further do allege the crime involves the following aggravating factor and accuse the defendant Helga Kahr used her position of trust, confidence, or fiduciary responsibility to facilitate the commission of the current offense, under the authority of RCW 9.94A.535(3)(n).

AMENDED INFORMATION - 1

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CRIMINAL DIVISION
W554 King County Courthouse
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1 And further do allege the crime was a major economic offense or series of offenses, so
2 identified by consideration of the following: multiple incidents per victim, monetary loss
3 substantially greater than typical for the offense, occurred over a long period of time, and the
4 defendant used her position of trust to facilitate the commission of the current offense, under the
5 authority of RCW 9.94A.535(3)(d).

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Count 2 Theft In The Second Degree

That the defendant Helga Kahr in King County, Washington, on or about September 7,
2016, with intent to deprive another of property, to-wit: lawful U.S. currency, did wrongfully
obtain such property belonging to Jeffrey A. Barrett; and did exert unauthorized control over
such property belonging to Jeffrey A. Barrett; and the value of such property did exceed \$750;

Contrary to RCW 9A.56.040(1)(a) and 9A.56.020(1), and against the peace and dignity
of the State of Washington.

And further do allege the defendant, Helga Kahr knew or should have known that the
victim of the current offense was particularly vulnerable or incapable of resistance, and the
victim's vulnerability was a substantial factor in the commission of the offense, under the
authority of RCW 9.94A.535(3)(b).

And further do allege the crime involves the following aggravating factor and accuse the
defendant Helga Kahr used her position of trust, confidence, or fiduciary responsibility to
facilitate the commission of the current offense, under the authority of RCW 9.94A.535(3)(n).

DANIEL T. SATTERBERG
Prosecuting Attorney

By:



Amanda S. Froh, WSBA #34045
Senior Deputy Prosecuting Attorney

CAUSE NO. _____

General Offense # 2018-36393

CERTIFICATION FOR DETERMINATION OF PROBABLE CAUSE

That H. Burr is a Detective with the Seattle Police Department and has reviewed the investigation conducted in Seattle Police Department Case Number 2018-36393

There is probable cause to believe that S/ Helga Kahr (DOB 2/14/1950) committed the crime(s) of **Theft in the First Degree** within the City of Seattle, County of King, State of Washington.

This belief is based on the following facts and circumstances:

V/Barrett was severely injured in a motor vehicle collision in October 1995 which caused a traumatic brain injury. Barrett's family hired S/Kahr to represent Barrett during this personal injury lawsuit and through his divorce. Barrett has had full guardianship of his financial estate, and partial guardianship of his person since 1997; firstly, with his brother John Barrett being appointed guardian (1997-2014), and then with S/Kahr being appointed interim guardian in September 2014, and then full guardian of his financial estate, and limited guardian of his person starting October 24, 2014. Barrett lived with his parents for more than fifteen years; but when his father died in August 2013 and his mother then had to go to an assisted living facility, he was unable to live alone and care for himself. Barrett then moved in with his guardian, S/Kahr, in January 2016 because he didn't want to move into an assisted living facility.

On September 6, 2017 the Guardianship Monitoring Program for the Superior Court of WA at Snohomish County filed a report with the court citing concerns with the propriety of certain financial transactions in relation to Barrett's estate and in the related documentation and reporting of them by his Guardian, S/Kahr. On September 6, 2017 a new Guardian ad Litem was appointed for V/Barrett and on November 3, 2017, the Guardian ad Litem requested records from the previous guardian, S/Kahr, and from the guardianship's financial institutions. On November 28, 2017 the Guardian ad Litem requested financial records from V/Barrett's financial institutions. On December 1, 2017 S/Kahr officially resigned as V/Barrett's guardian.

On 1/30/2018 V/Barrett's new guardian, Denise Meador, went to the north precinct to report a theft. Meador said on 1/19/2018 she was appointed legal guardian of V/Barrett by the Snohomish County Superior Court. Meador said S/Kahr was appointed V/Barrett's legal guardian in 2014 and in 2015, she moved V/Barrett into her house and an investigator with Snohomish County Court discovered \$280,000 from V/Barrett's account had been used to pay off S/Kahr's mortgage. On 2/07/2018 I was assigned the above case and I spoke to C/Meador who said she has been in contact with S/Kahr and she expects a payment for the entire \$280,000 from her by Friday. Meador said there is notice of a pending wire transfer from S/Kahr. Meador said she would let me know on Friday. Meador asked if we could hold-off on our investigation until the wire transfer goes through. On 2/14/2018 Meador told me she did receive a wire transfer from S/Kahr in the amount of \$282,673.90, which has been deposited into the guardian account for V/Barrett. Documents provided by V/Barrett's current guardian, Denise Meador, show S/Kahr's payoff

amount on her current residence of \$282,673.90, the entire amount taken by S/Kahr from V/Barrett's account. This money was originally wire transferred out of V/Barrett's Wells Fargo Guardianship Account into accounts at JP Morgan Chase Bank on September 3 and September 7, 2016. The beneficiary of those wire transfers were listed as "Select Portfolio Servicing, Inc." On September 6, 2016 a mortgage payoff statement from "Select Portfolio Servicing, INC for the property at 6007 Palatine AV N, S/Kahr's residence, was issued. Copies of the wire transfers, one for \$2002.40 on 9/07/2016 and one for \$280,671.50 on 9/03/2016 made out to "Select Portfolio Servicing INC," were included. Also included were the copies of the bank statement from V/Barrett's Wells Fargo account that show where the money was transferred out of.

On 4/04/2018 I spoke to V/Barrett who said he didn't know of any financial problems with S/Kahr and said they never spoke about money. Barrett said he never asked S/Kahr if she needed money or a loan. Barrett said he never knew about the money S/Kahr took from his account until his brother told him. Barrett said he needs the money he received from his lawsuit because he is unable to work and relies on others to pay his bills and manage his finances.

Based on the above information., there is probable cause to believe that Helga Kahr financially exploited V/Barrett who was exceedingly vulnerable to financial exploitation given his cognitive impairment and developmental disabilities. Barrett trusted Kahr as his legal guardian and attorney and was reliant upon her to assist with all of his finances. Helga Kahr betrayed Barret's trust as his attorney and as his guardian.

Under penalty of perjury under the laws of the State of Washington, I certify that the foregoing is true and correct to the best of my knowledge and belief.

Signed and dated by me this __18__ day of April 2018, at Seattle, Washington.

A handwritten signature in black ink, appearing to read "Heather Burr", written over a horizontal line.

Det. Heather Burr, Seattle Police Department

CAUSE NO. 18-1-00672-1 SEA

PROSECUTING ATTORNEY CASE SUMMARY AND REQUEST FOR BAIL AND/OR
CONDITIONS OF RELEASE

The State incorporates by reference the Certification for Determination of Probable Cause prepared by Detective Heather R Burr of the Seattle Police Department for case number 2018-36393.

I, Amanda S. Froh, Senior Deputy Prosecuting Attorney, declare that I have reviewed the Certification, discovery, and defendant's criminal history; I further declare that the following events occurred, relevant to these charges:

On August 24, 2017, Helga Kahr sent an email to Thomas Deacon, the assigned investigator from the Guardianship Monitoring Program of Snohomish County, stating the following:

[S]ome of Jeff's assets have been invested in a Seattle-based Real Estate Investment Trust to allow the guardianship estate to benefit from the appreciating Northwest real estate market without having the responsibility of property maintenance. That investment has been doing well. I do not have the entire file in front of me at the moment, some of it is with the accountant for review. The information on the REIT should be of record in the court file; if for some reason it has not made it to the court file, I will see that it gets filed.

There was no information about this REIT in the court file, so Mr. Deacon then made several requests for further documentation. When he got no response, he requested the court to assign a Guardian ad Litem (GAL) to investigate. The GAL made numerous requests, both by email and eventually by court order, for the REIT documentation. Ms. Kahr produced bankers' boxes of financial records to the new guardian, Denise Meador, in approximately February 2018, but according to Ms. Meador there was no documentation in those records regarding an REIT.

In May 2018, Kahr's attorney Sarah Atwood produced a response to the new guardian's formal request for an accounting, and in that response she provided two letters relevant to the claim that the \$283,000 in transfers from the Barrett guardianship account to Ms. Kahr's mortgage servicing company was part of an REIT. These documents had never before been produced. The first letter, dated 8/14/2017, is a letter from Helga Kahr to Jeff Barrett. It begins, "This letter confirms that we have discussed an investment and business deal involving you, me, and my house. This letter discusses the potential conflict of interest that arises for me as an attorney because of this proposed business transaction and property investment." It goes on to cite the relevant Washington Rules of Professional Conduct. In recognition of Jeff Barrett's incapacity, it states: "Because of your brain injury, you are considered to be a client with diminished capacity." The letter goes on to describe that for the \$283,000, Barrett would be purchasing a 40% interest in Kahr's Phinney Ridge house (present FMV of \$700,000 to \$705,000), and in exchange he would live rent-free and Kahr would deed the property to a trust for his percentage

Prosecuting Attorney Case
Summary and Request for Bail
and/or Conditions of Release - 1

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2 owned. The letter goes on to state that Ms. Kahr had discussed with Mr. Barrett that she intended
3 to retire in the next few years, and at that time sell the house, at which time he would be paid
4 40% of the sale price as a return on his investment. She then states:

5 The ethics rules require that I recommend that you consult with another attorney in
6 deciding whether or not your consent should be give [sic], and whether you should agree
7 to this deal. Another attorney could talk with you about possible conflicts between us. I
8 would suggest that you contact your brother, John Barrett, or his former attorney, Joe
9 Chalverus, to see who they would recommend for you. You have told me that you trust
10 me to do right by you and that you are not interested in hiring or paying another attorney.

11 Please consider this carefully and decide if you want to do this business and make this
12 investment and agree to my representing you and handling the paperwork in the
13 transaction.

14 At the bottom of the letter, Jeff Barrett has apparently signed his name, on August 16, 2016, to
15 the following: "I, Jeff Barrett, consent and agree to the legal representation, the terms of the
16 business transaction or deal, and lawyer's role in transaction as outlined in this letter. This has
17 been explained to me, I have been able to ask whatever questions I wanted and I understand the
18 deal."

19 The second letter provided in May 2018, dated August 18, 2016, is merely a reiteration of the
20 terms of the deal, including her "intent to draft and perfect the documents to convey the 40%
21 interest to you, the present idea being to set up a real estate investment trust, convey the property
22 to the trust and convey your portion of the trust property to you, the idea being that you receive
23 and [sic] equitable interest in the property proportional to your contribution." This letter is signed
24 only by Helga Kahr.

 Detective Burr did a second interview with Jeff Barrett after receiving these two documents. He
confirmed he does not recognize either letter and has no memory of this agreement. The
guardian, Denise Meador, confirms that these two letters were not in Jeff Barrett's papers, either
those kept by Jeff in his personal effects or those provided by Ms. Kahr in the course of the
litigation before May 2018.

 There is no evidence that any deed was ever executed or recorded giving Jeff Barrett or a trust
for his benefit a 40% interest in Kahr's home. Additionally, according to Denise Meador, bank
records show that Kahr continued to charge Barrett rent to live in her home after this agreement
was purportedly executed. Kahr collected \$9,600 in rent between September 2016 and December
2017.

 Under penalty of perjury of the laws of the State of Washington, I, Amanda S. Froh, Senior
Deputy Prosecuting Attorney, certify that the foregoing is true and correct. Signed and dated by
me this 11th day of June, 2018.


Prosecuting Attorney Case
Summary and Request for Bail
and/or Conditions of Release - 2

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Amanda S. Froh, WSBA #34045

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The State requests the court to issue a summons directing the defendant to appear in court. As of June 11, 2018, the State is unaware of any prior criminal convictions.

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The State requests that the court order that the defendant have no contact with victim Jeff Barrett for the duration of this case.

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Signed and dated by me this 11th day of June, 2018.

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Amanda S. Froh, WSBA #34045
Senior Deputy Prosecuting Attorney

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Prosecuting Attorney Case
Summary and Request for Bail
and/or Conditions of Release - 3

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POST-TRIAL STATEMENT: CONVICTIONS AND PENALTIES

Date: November 21, 2019

Defendant: HELGA KAHR

Cause No.: 18-1-00672-1 SEA

Trial Judge: _____

Verdict Date: _____

☒ Jury trial

☐ Bench trial

VERDICT(S): Guilty as charged (verdict on 10/10/2019)

Count 1 Theft First Degree

(name of crime)

Count 3 _____

Count 5 _____

Count 2 Theft Second Degree

Count 4 _____

Count 6 _____

SPECIAL FINDING(S)/ VERDICT(S):

☐ Firearm, RCW 9.94A.533

Count(s) _____

☐ Deadly Weapon other than firearm, RCW 9.94A.533

Count(s) _____

☐ Sexual Motivation, RCW 9.94A.835

Count(s) _____

☐ Domestic Violence, RCW 10.99.020

Count(s) _____

☒ Aggravating circumstances, RCW 9.94A.535(b), (d), and (n) Vulnerable Victim, Major Economic Offense, and Abuse of Trust
Count(s) 1

Vulnerable Victim and Abuse of Trust

Count(s) 2

☐ Methamphetamine Offense, Minor Present, RCW 9.94A.605

Count(s) _____

☐ Other: _____ Count(s) _____

☐ **DISMISSAL:** Upon sentencing for Count(s) _____, the State moves to dismiss Count(s) _____ in this cause.

CONDITIONS OF RELEASE ON APPEAL: Pursuant to CrR 3.2(h) and RCW 9.95.062 the State recommends

☒ denial of conditions of release/ stay of sentence pending appeal. Reasons: No likely issues to prevail on appeal; age of case; vulnerability of victim

☐ that appeal bond be set at \$ _____ cash or surety and the following additional conditions: supervision by the Department of Corrections subject to standard Dept. of Corrections rules, appropriate no contact provisions, not possess any firearms, no law violations, other:

MAXIMUM TERMS:

Maximum on Count(s) 1 is not more than 10 years each and \$ 20,000 fine each.

Maximum on Count(s) 2 is not more than 5 years each and \$ 10,000 fine each.

Maximum on Count(s) _____ is not more than _____ years each and \$ _____ fine each.

☐ **MANDATORY MINIMUM TERM(S)** pursuant to RCW 9.94A.540 only for Count(s) _____ is _____ years each.

☐ **MANDATORY ENHANCEMENT TERM(S)** pursuant to RCW 9.94A.533 for Count(s) _____ is _____ months each; for Count(s) _____ is _____ months each. This/these additional term(s) must be served consecutively to each other and to any other term.

☐ **MANDATORY DRIVER'S LICENSE REVOCATION.** RCW 46.20.285; RCW 69.50.420.

SENTENCE RECOMMENDATION is incorporated in attached form(s).



Amanda S. Froh, WSBA #34045
Senior Deputy Prosecuting Attorney

Helga Kahr
18-1-00672-1

Theft First Degree Excluding Firearm And Motor Vehicle

RCW 9A.56.030
CLASS B – NONVIOLENT

OFFENDER SCORING RCW 9.94A.525(7)

If it was found that this offense was committed with sexual motivation (RCW 9.94A.533(8)) on or after 7/01/2006, use the General Nonviolent Offense with a Sexual Motivation Finding scoring form on page 193.

If the present conviction is for a felony domestic violence offense where domestic violence was plead and proven, use the General Nonviolent Offense Where Domestic Violence Has Been Plead and Proven scoring form on page 191.

ADULT HISTORY:

Enter number of felony convictions x 1 =

JUVENILE HISTORY:

Enter number of serious violent and violent felony dispositions x 1 =

Enter number of nonviolent felony dispositions x 1/2 =

OTHER CURRENT OFFENSES:

(Other current offenses that do not encompass the same conduct count in offender score)

Enter number of other felony convictions x 1 =

STATUS:

Was the offender on community custody on the date the current offense was committed? (if yes) + 1 =

Total the last column to get the **Offender Score** (Round down to the nearest whole number)

1

SENTENCE RANGE

		Offender Score								
	0	1	2	3	4	5	6	7	8	9+
LEVEL II	0-90 days	4m 2 - 6	6m 3 - 9	8m 4 - 12	13m 12+ - 14	16m 14 - 18	19.5m 17 - 22	25.5m 22 - 29	38m 33 - 43	50m 43 - 57

- ✓ For attempt, solicitation, conspiracy (RCW 9.94A.595) see page 23 or for gang-related felonies where the court found the offender involved a minor (RCW 9.94A.833) see page 186 for standard range adjustments.
- ✓ For deadly weapon enhancement, see page 190.
- ✓ For sentencing alternatives, see page 177.
- ✓ For community custody eligibility, see page 187.
- ✓ For any applicable enhancements other than deadly weapon enhancement, see page 183.

The Caseload Forecast Council is not liable for errors or omissions in the manual, for sentences that may be inappropriately calculated as a result of a practitioner's or court's reliance on the manual, or for any other written or verbal information related to adult or juvenile sentencing. The scoring sheets are intended to provide assistance in most cases but do not cover all permutations of the scoring rules. If you find any errors or omissions, we encourage you to report them to the Caseload Forecast Council.

Helga Kahr
18-1-00672-1

Theft Second Degree Excluding Firearm And Motor Vehicle

RCW 9A.56.040
CLASS C – NONVIOLENT

OFFENDER SCORING RCW 9.94A.525(7)

If it was found that this offense was committed with sexual motivation (RCW 9.94A.533(8)) on or after 7/01/2006, use the General Nonviolent Offense with a Sexual Motivation Finding scoring form on page 193.

If the present conviction is for a felony domestic violence offense where domestic violence was plead and proven, use the General Nonviolent Offense Where Domestic Violence Has Been Plead and Proven scoring form on page 191.

ADULT HISTORY:

Enter number of felony convictions x 1 =

JUVENILE HISTORY:

Enter number of serious violent and violent felony dispositions x 1 =

Enter number of nonviolent felony dispositions x 1/2 =

OTHER CURRENT OFFENSES:

(Other current offenses that do not encompass the same conduct count in offender score)

Enter number of other felony convictions 1 x 1 = 1

STATUS:

Was the offender on community custody on the date the current offense was committed? (if yes) + 1 =

Total the last column to get the Offender Score (Round down to the nearest whole number)

1

SENTENCE RANGE

		Offender Score								
	0	1	2	3	4	5	6	7	8	9+
LEVEL I	0-60 days	0-90 days	3m	4m	5.5m	8m	13m	16m	19.5m	25.5m
			2 - 5	2 - 6	3 - 8	4 - 12	12+ - 14	14 - 18	17 - 22	22 - 29

- ✓ For gang-related felonies where the court found the offender involved a minor (RCW 9.94A.833) see page 186 for standard range adjustment.
- ✓ For deadly weapon enhancement, see page 190.
- ✓ For sentencing alternatives, see page 177.
- ✓ For community custody eligibility, see page 187.
- ✓ For any applicable enhancements other than deadly weapon enhancement, see page 183.

The Caseload Forecast Council is not liable for errors or omissions in the manual, for sentences that may be inappropriately calculated as a result of a practitioner's or court's reliance on the manual, or for any other written or verbal information related to adult or juvenile sentencing. The scoring sheets are intended to provide assistance in most cases but do not cover all permutations of the scoring rules. If you find any errors or omissions, we encourage you to report them to the Caseload Forecast Council.

**APPENDIX B TO PLEA AGREEMENT
PROSECUTOR'S UNDERSTANDING OF DEFENDANT'S CRIMINAL HISTORY
(SENTENCING REFORM ACT)**

DEFENDANT: HELGA KAHR
FBI No: State ID No.: DOC No.:

This criminal history was compiled on: June 14, 2018

- ☐ None known. Recommendations and standard range assumes no prior felony convictions.
- ☐ Criminal history not known and not received at this time. WASIS/NCIC last received on:

Offense	Score	Disposition	Type*
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Comments:

Prepared by: _____
Chantavy San

STATE'S SENTENCE RECOMMENDATION
(USE FOR NON-SEX OFFENSE, NON-DOSA SENTENCES OF OVER ONE YEAR ONLY)

Date of Crime: September 3, 2016
Defendant: HELGA KAHR

Date: November 21, 2019
Cause No: 18-1-00672-1 SEA

The State recommends that the defendant be sentenced to a **term of total confinement** in the Department of Corrections as follows:

- ☐ Crime was committed when under 18 and defendant is under 25, so confinement will begin at the Department of Children, Youth and Families (RCW 72.01.410).

36 **Months** on Count 1 ; **Days/months** on Count ;

90 **Days** on Count 2 ; **Days/months** on Count ;

with credit for time served as provided under RCW 9.94A.505. ☒ Terms to be served **concurrently** with each other. ☐ Terms to be served **concurrently/consecutively** with: . ☒ Terms to be consecutive to any other term(s) not specifically referred to in this form.

☐ **WEAPONS ENHANCEMENT - RCW 9.94A.533:** The above recommended term(s) of confinement do not include the following weapons enhancement time: months for Count , months for Count , months for Count ; which is/are mandatory, served without good time and served consecutive to any other term of confinement.

☐ **ENHANCEMENT** months for Count .

TOTAL LENGTH OF CONFINEMENT recommended in this cause, including all counts and enhancements, is 36 months.

☐ This is an agreed recommendation.

NO DRUG OFFENDER SENTENCE ALTERNATIVE (DOSA) - RCW 9.94A.660:

- ☐ Defendant is not legally eligible for DOSA because ☐ current sex/ violent offense; ☐ prior violent offense within 10 years or any prior sex offense; ☐ weapon enhancement; ☐ subject to final deportation order; ☐ not small quantity of drugs; ☐ more than one prior DOSA within 10 years; ☐ felony DUI or physical control.
- ☐ Defendant is eligible but DOSA is not recommended because .

☒ **EXCEPTIONAL SENTENCE:** Substantial and compelling reasons for departing from the presumptive range are set out in the State's Sentencing Memorandum. *The defendant was convicted beyond a reasonable doubt at trial of three aggravating factors under RCW 9.94A.535, each of which on their own justify an exceptional sentence in this case: Vulnerable Victim (RCW 9.94A.535(3)(b); Major Economic Offense (RCW 9.94A.535(3)(d); and Abuse of Trust (RCW 9.94A.535(3)(n).*

☐ **MOTOR VEHICLE FELONY ALTERNATIVE** on Count(s) , pursuant to 2019 Wash. Laws Ch. 191, §1: Court to impose 6 to 12 months of community custody to be supervised by DOC; incarceration shall not exceed the midpoint of the standard range less one-third of the community custody term imposed.

☒ **NO CONTACT:** For the maximum term, defendant shall have no contact, direct or indirect, in person, in writing, by telephone, or through third parties, with: Jeffrey A. Barrett.

☐ and pursuant to RCW 10.99 or RCW 26.50.

☐ Count(s) _____ is a **FELONY FIREARM OFFENSE** (defined by RCW 9.41.010) as to which, pursuant to RCW 9.41.330: ☐ firearm offender registration is mandatory; **or**
☐ firearm offender registration may be required and the State recommends it.

MONETARY PAYMENTS: Defendant shall make the following payments:

Mandatory \$500 Victim Penalty Assessment; \$100 DNA collection fee (mandatory unless the State has previously collected DNA as a result of a prior conviction).

- ☐ Restitution as set forth in the "Plea Agreement" page and ☐ _____.
☐ Court costs; recoupment of cost for appointed counsel.
☐ Other: _____.

COMMUNITY CUSTODY: for qualifying crimes the defendant shall serve a term of community custody for:

- ☐ Count(s) _____, Serious violent offense: 36 months each (a range of 24 to 36 months if crime committed before 8/1/2009).
☐ Count(s) _____, Violent offense: 18 months each.
☐ Count(s) _____, Crimes against persons or violation of Ch. 69.50 or .52: 12 months each (a range of 9-12 months if crime committed before 8/1/2009).
☐ Count(s) _____, Motor-vehicle related sentence alternative: _____ months each (must be between 6 and 12 months).

Community Custody includes mandatory statutory conditions as well as discretionary conditions set by the court or Dept. of Corrections. The State recommends the court impose these **discretionary conditions**:


- ☐ Obtain an alcohol/substance abuse evaluation within 30 days of release and follow all treatment recommendations.
☐ Enter into within 30 days of release, make reasonable progress in, and successfully complete state-certified Domestic Violence treatment.
☐ Other: _____.

OTHER: Defendant shall not hold a position of trust (such as power of attorney, as the executor of an estate, or representative payee, or as a signatory on a joint account with a financial institution) or work (paid or volunteer) in any capacity for any vulnerable adult or for any organization that primarily provides services to vulnerable adults during the term of the sentence.

MANDATORY CONSEQUENCES: HIV blood testing for any prostitution related offense, or a drug offense associated with needle use. DNA testing. Revocation of the right to possess a FIREARM. DRIVER'S LICENSE REVOCATION (RCW 46.20.285; RCW 69.50.420). REGISTRATION is required pursuant to RCW 9A.44.130 for some kidnap/ unlawful imprisonment offenses.

State's Sentence Recommendation

Cause No. 18-1-00672-1 SEA



Amanda S. Froh, WSBA#34045
Senior Deputy Prosecuting Attorney